

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**MISTY JOLENE TOOHEY,**

**Plaintiff,**

**v.**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

:  
: **Case No. 2:20-cv-02555**  
:  
: **CHIEF JUDGE ALGENON L. MARBLEY**  
:  
: **Magistrate Judge Chelsea M. Vascura**  
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**OPINION & ORDER**


This matter is before the Court on Magistrate Judge Vascura's Report and Recommendation (EFC No. 17), which responds to Plaintiff's Statement of Errors (ECF No. 15), the Commissioner's Memorandum in Opposition (ECF No. 16), and the administrative record (ECF No. 14). Magistrate Vascura recommends that the Commissioner's non-disability determination be reversed and that this matter be remanded to the Commissioner and Administrative Law Judge ("ALJ"), pursuant to Sentence Four of § 405(g).

The Report and Recommendation was filed on March 12, 2021 and advised the parties that they had fourteen days thereafter to raise any objections. The Report and Recommendation also notified the parties that a failure to object within the applicable time period would result in a waiver of the right to have the district judge review the Report and Recommendation de novo.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections expired, this Court **ADOPTS** the Magistrate Judge's Report and Recommendation [#17] as this Court's findings of facts and law. The Court **REVERSES** the Commissioner's non-disability determination and **REMANDS** this case to the

Commissioner and the ALJ under Sentence Four of § 405(g) for further consideration, consistent with the Report and Recommendation.

**IT IS SO ORDERED.**

  
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**ALGENON L. MARBLEY**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**DATED: April 13, 2021**